United Nations E/C.19/2017/L.4

Economic and Social Council

Distr.: Limited
2 May 2017

Original: English

Permanent Forum on Indigenous Issues
Sixteenth session
New York, 24 April-5 May 2017

Draft report

Rapporteur: Mr. Brian **Keane**

Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Discussion on the theme "Tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration"

1. The United Nations Declaration on the Rights of Indigenous Peoples is the most comprehensive international instrument on the rights of indigenous peoples. It both establishes a universal framework of minimum standards for the survival, dignity and well-being of indigenous peoples and elaborates on existing human rights instruments and clarifies how they apply to the specific situations of indigenous peoples.

2. Collective rights to lands, territories and resources and the right to self-determination, as recognized in articles 3 and 26, are among the most important provisions of the Declaration and the most challenging to implement. Legal recognition of indigenous peoples to land, territories and resources must be complemented by effective implementation through enabling legislation, executive action and judicial protection. It is also critical that legislation enacted to establish recognition of indigenous peoples' rights not be undermined or contravened by other laws and regulations.

3. The implementation of the Declaration has achieved some major successes. Constitutional and legislative frameworks that recognize indigenous peoples, including targeted policies and programmes, have been developed in some countries, and there is a growing body of national and regional jurisprudence recognizing the legal rights of indigenous peoples.

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4. United Nations agencies, funds and programmes, including the International Fund for Agricultural Development, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Entity for Gender Equality and the Empowerment of Women and the Office of the United Nations High Commissioner for Human Rights, have also taken action to advance the implementation of the Declaration through their own frameworks, country dialogues and the system-wide action plan for ensuring a coherent approach to achieving the ends of the Declaration.

5. At the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in 2014, States committed themselves to taking concrete action to achieve the ends of the Declaration. The process for the World Conference constituted in itself a good practice of partnership between indigenous peoples and Member States working together to identify gains and priorities for future action. The efforts of the General Assembly to enable the enhanced participation of indigenous peoples at the United Nations represents a continuation of that good practice. Of particular importance, as reflected in the outcome document, are the commitments made by States, in cooperation with indigenous peoples, to implement national action plans, strategies and other measures and to take legislative, policy and/or administrative measures to achieve the ends of the Declaration.

6. The Permanent Forum welcomes the organization of the high-level event of the General Assembly to mark the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, held on 25 April 2017 at United Nations Headquarters in New York, with the participation of the mechanisms specific to indigenous peoples, namely the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples, and of representatives of the seven sociocultural regions.

7. Notwithstanding the progress made in implementing the Declaration over the past decade, the Permanent Forum is concerned about a gap between the formal recognition of indigenous peoples and the implementation of their rights in practice. Indigenous peoples continue to face exclusion, marginalization and major challenges in enjoying their basic rights. Ten years after the adoption of the Declaration, the usurpation of indigenous peoples' lands and resources continues at an alarming rate, and threats and violence against indigenous peoples who defend their territories, rights and livelihoods have increased dramatically. The Permanent Forum is also concerned about the continued refusal of some States to recognize the existence of indigenous peoples, and that free, prior and informed consent is rarely, if ever, obtained from communities for projects and legislation that affect them.

8. The Permanent Forum urges Member States, in their regular reporting to the United Nations human rights treaty bodies and, in particular, to the Human Rights Council through the universal periodic review, to include the actions taken to implement the recommendations made by the Special Rapporteur on the rights of indigenous peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues.

9. The Permanent Forum urges all States to substantially increase the human, financial and technical resources made available to implement the Declaration, in accordance with article 39 thereof, and to overcome the remaining gaps between the formal recognition of indigenous peoples and the implementation of their rights.

10. The Permanent Forum encourages the International Labour Organization to promote the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

11. The Permanent Forum encourages Member States, with bilateral development agencies, to enact, in accordance with the Declaration, policies that ensure the inclusion of indigenous peoples as partners in the development process with a meaningful role in the design, implementation, monitoring and evaluation of all projects that affect their territories, rights and livelihoods.

12. The Permanent Forum urges United Nations agencies, funds and programmes to cooperate with States and indigenous peoples in the development and implementation of national action plans, strategies and other measures that aim to achieve the ends of the Declaration, including providing support for the advancement and adjudication of the collective rights of indigenous peoples to their lands, territories and resources.

13. The Permanent Forum encourages resident coordinators and United Nations country teams to ensure the full and effective participation of indigenous peoples, including indigenous women and youth, in the preparation of the United Nations Development Assistance Frameworks and country programme action plans.

14. The Permanent Forum recommends to the International Labour Organization and its Governing Body the organization of a technical expert meeting to consider the drafting of a recommendation to supplement the Indigenous and Tribal Peoples Convention.